

AMENDED IN SENATE MARCH 25, 2003

SENATE BILL

No. 220

Introduced by Senator Romero
(Coauthor: Assembly Member Nakano)

February 13, 2003

An act to add Section 17.1 to the Corporations Code, relating to business organizations.

LEGISLATIVE COUNSEL'S DIGEST

SB 220, as amended, Romero. Business organizations.

Existing law in the Corporations Code sets forth various provisions regulating, among other things, corporations, partnerships, limited liability companies, and unincorporated associations. Existing law defines various terms for the purposes of those provisions, including the term 'signature.'

This bill would provide that the term 'signature' includes a signature in a facsimile document presented to the Secretary of State or Department of Corporations, as specified. The bill would authorize the Secretary of State and the Department of Corporations to adopt procedures permitting the direct electronic or facsimile presentation of documents.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17.1 is added to the Corporations Code,
2 to read:

1 17.1. (a) In addition to the definition set forth in Section 17,
2 the term ‘signature’ includes a signature in a facsimile document
3 filed pursuant to this code or pursuant to regulations adopted under
4 this code, and presented to the Secretary of State or the Department
5 of Corporations.

6 (b) The terms ‘signed’ and ‘executed’, when used with respect
7 to the documents filed pursuant to this code or pursuant to
8 regulations adopted under this code, and presented to the Secretary
9 of State or the Department of Corporations, include a document
10 bearing a signature under subdivision (a).

11 (c) The Secretary of State and the Department of Corporations
12 may adopt procedures permitting the direct electronic or facsimile
13 presentation of the documents specified in subdivisions (a) and
14 (b). However, neither the Secretary of State nor the Department of
15 Corporations is required to accept those direct facsimile or
16 electronic filings until procedures are adopted. ~~Documents~~

17 (d) ~~Documents~~ transmitted by facsimile to third parties shall be
18 delivered to the Secretary of State and the Department of
19 Corporations by mail, courier, or in person.

20 ~~(d)~~

21 (e) A person on whose behalf a facsimile document is
22 submitted for filing to the Secretary of State or the Department of
23 Corporations shall maintain the originally signed document for at
24 least five years from the date of submission for filing.

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26 CORRECTIONS

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